


JOURNAL
OF THE
House of Representatives
OF THE
REGULAR SESSION
OF THE
FORTY-SECOND LEGISLATURE
BEGUN AND HELD AT
THE CITY OF AUSTIN, JANUARY 13, 1931




VON BOECKMANN-JONES CO.,
PRINTERS AND BOOKBINDERS,
AUSTIN, TEXAS.

TO INVESTIGATE COST OF CERTAIN MAPS AND CHARTS.

On motion of Mr. Holder, the following resolution was ordered printed in the Journal and consideration of same postponed until tomorrow.

Whereas, The State Board of Education has approved for use in public free schools a certain series of maps and charts, known as "The Hope of a Nation Series," and schools seeking State aid are required to purchase such series before they can receive State aid; and

Whereas, Said series is a copyrighted set of maps and charts that can be purchased only from one concern and at what appears to be an exorbitant price for such a series of maps and charts; and

Whereas, Such series does not meet with the approval of a majority of the teachers of the schools and is not being used at all by a great many of the schools that have purchased such maps and charts; and

Whereas, At this time of depression in the financial condition of the country, funds of the schools can be used to a much better advantage; and

Whereas, It is the sense of this House that schools should not be required to expend their funds for non-essential equipment in order to obtain State aid, especially an article controlled by any one particular concern and sold at an unreasonable price; therefore be it

Resolved by the House of Representatives of the State of Texas

(a) That investigation be ordered, the subject of which shall be to establish the true facts concerning the manufacturing cost, the contract price, distribution cost, selling cost, and all true facts concerning the use, the purchase, and the order to purchase the above set of maps and charts.

(b) To make proper recommendation to the Legislature so that the Legislature may take such action as it deems necessary and proper in the event any irregularities are found to exist in the transaction relating to the making of this adoption by the State Board of Education or by any person connected in any way with the making of such contract.

(c) That the Committee on Education of this House, as heretofore constituted, is specifically designated and charged with the duty and duties prescribed in this resolution.

(d) That said Committee shall have power to formulate its own rules of procedure and evidence, and for the holding of sessions of such hearings as long as such rules and sessions do not interfere with the rules and sessions of the House.

(e) That the Educational Committee of this House, when investigating the allegations contained herein, shall have power to issue process for witnesses to any place in this State, and to compel their attendance and to produce all books and records, and upon disobedience of subpoena the said Committee shall certify the matter to the House, which may in its judgment cause such persons or firm to appear before the bar of the House and show cause why they should not be adjudged in contempt of the House.

(f) The Committee herein designated shall have power to issue attachments, which may be served by the Sergeant-at-Arms of the House or any sheriff or constable in this State. Said Committee shall have power to inspect and make copy of any books, records or files of any department, commission or board of this State, and shall have the power to examine the books and records of any person, firm or corporation who may have had any dealings whatsoever with transactions pertaining to the adoption of the above set of maps and charts.

(g) The Committee shall have power to administer oaths and affirmations and may summons witnesses and direct the attachment of such witnesses who refuse to voluntarily appear.

(h) Witnesses attending said Committee under process shall be allowed the same mileage and per diem as is allowed witnesses in the trial of criminal cases in the district court.

(i) Said Committee shall have, under the direction of the Speaker of the House, authority to employ and compensate all necessary experts, stenographers or persons whose services may be necessary to develop the true facts in this investigation.

(j) That said Committee may call upon the Attorney General's Department for assistance and advice, and it shall be the duty of the Attorney General's Department to render opinions, to give counsel and assistance to said Committee upon the request of the chairman or members of said Committee.

(k) The Committee shall begin its labors at the earliest practical moment, and shall sit at all times convenient until its labors are completed, and shall make a full and complete report to the House of Representatives of the Forty-second Legislature, together with appropriate recommendations for such remedies or legislation as it may deem to be in the best interest of the school children of Texas and of their rights.

Signed—Sherrill, Holder.

RELATIVE TO INVESTIGATING PRICES OF CERTAIN MAPS AND CHARTS.

The House resumed consideration of pending business, same being a resolution by Mr. Sherrill and Mr. Holder relative to investigating prices of certain series of maps and charts to be used in the public free schools, the resolution having heretofore been read second time, and referred to the Committee on Education.

The Committee on Education having reported the resolution favorably.

(Pending consideration of the resolution, Mr. McGill occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Holder offered the following (committee) amendment to the resolution:

Strike out the words "State Board of Education" wherever they may occur in the resolution, and substitute therefore "State Department of Education."

The amendment was adopted.

Mr. Holder offered the following (committee) amendment to the resolution:

"Whereas, Reports have been made that some county superintendents in Texas have acted as agents for the company selling the 'Hope of the Nation' series, and have received a commission for selling same where they were acting in their official capacity as county superintendent;

"Whereas, The schools of Texas are a most important part of our State and local government and the funds belonging to the school fund should

be efficiently and economically handled; therefore, be it

"Resolved by the House of Representatives of the State of Texas:

"(a) That an investigation be ordered, the subject of which shall be (1) to establish the manufacturing cost, contract price, distributing cost, selling cost, and all facts concerning the use and purchase of the above said maps and charts; (2) to determine whether county superintendents or any other school officials have received commissions and premiums for the selling of these charts or any other school books or school equipment to the schools of Texas, while said superintendents or other school officials were holding office as county

superintendent or in any other capacity with the schools; (3) to determine whether there have been any irregularities or negligence in the expenditure or handling of any funds in the management of the office of the State Superintendent of Education of the State of Texas."

The amendment was adopted.

Mr. McGregor offered the following amendment to the resolution:

Amend the resolution by striking out all reference to a further investigation of the Superintendent of Public Instruction.

Question—Shall the amendment by Mr. McGregor be adopted?

RELATIVE TO INVESTIGATING
COST OF CERTAIN MAPS
AND CHARTS.

The Speaker laid before the House as pending business, resolution by Messrs. Sherrill and Holder, relative to investigating cost of certain maps and charts for public free schools.

The resolution having heretofore been read second time with amendment by Mr. McGregor, pending.

Mr. Anderson moved that further consideration of the resolution be postponed indefinitely.

(Pending consideration of the resolution, Mr. McGill occupied the chair temporarily.)

(Speaker in the chair.)

Mr. Anderson moved the previous question on the pending amendment, motion to postpone indefinitely, and the resolution, and the motion was duly seconded.

Question recurring on the motion for the main question, yeas and nays were demanded.

The main question was ordered by the following vote:

Yeas—67.

Adams of Jasper.	Bond.
Adamson.	Boyd.
Adkins.	Bradley.
Albritton.	Bryant.
Alsup.	Carpenter.
Anderson.	Coombes.
Barron.	Cox of Limestone.

Cunningham.	Lockhart.
Daniel.	Long.
Dowell.	McGill.
Dwyer.	McGregor.
Farrar.	Martin.
Ferguson.	Mehl.
Gilbert.	Metcalfe.
Harrison	Morse.
of El Paso.	Ramsey.
Harrison	Ratliff.
of Waller.	Reader.
Hefley.	Richardson.
Herzik.	Sanders.
Hill.	Satterwhite.
Hines.	Savage.
Holland.	Shelton.
Hoskins.	Smith of Bastrop.
Hubbard.	Smith of Wood.
Hughes.	Sparkman.
Jackson.	Steward.
Johnson	Tarwater.
of Dimmit.	Towery.
Jones of Shelby.	Turner.
Jones of Atascosa.	Van Zandt.
Justiss.	Walker.
Kayton.	Warwick.
Keller.	Weinert.
Lemens.	Wyatt.

Nays—48.

Akin.	Howley.
Bounds.	Johnson of Morris.
Brice.	Kennedy.
Burns of Walker.	Laird.
Burns	Lilley.
of McCulloch.	McDougald.
Claunch.	Magee.
Coltrin.	Moore.
Cox of Lamar.	Munson.
Davis.	Murphy.
Dodd.	Olsen.
Elliott.	O'Quinn.
Engelhard.	Patterson.
Farmer.	Petsch.
Finn.	Pope.
Fisher.	Ray.
Forbes.	Rogers.
Goodman.	Rountree.
Graves.	Stephens.
Greathouse.	Stevenson.
Grogan.	Strong.
Hanson.	Terrell
Hardy.	of Cherokee.
Holder.	West of Coryell.
Holloway.	Young.

Present—Not Voting.

Sherrill.

Absent.

Adams of Harris.	DeWolfe.
Baker.	Donnell.
Beck.	Dunlap.
Bedford.	Duvall.
Brooks.	Ford.
Caven.	Fuchs.

Giles.	Nicholson.
Hatchitt.	Scott.
Harman.	Sullivant.
Johnson	Terrell
of Dallam.	of Val Verde.
Lasseter.	Vaughan.
Lee.	Veatch.
Leonard.	Wagstaff.
McCombs.	West of Cameron
Mathis.	Westbrook.
Moffett.	Wiggs.

Absent—Excused.

Dale.

Question first recurring on the amendment by Mr. McGregor, yeas and nays were demanded.

The amendment was lost by the following vote:

Yeas—59.

Adams of Jasper.	Hill.
Adamson.	Hines.
Adkins.	Hubbard.
Albritton.	Jackson.
Alsop.	Jones of Shelby.
Anderson.	Jones of Atascosa.
Bedford.	Justiss.
Bond.	Keller.
Bounds.	Kennedy.
Boyd.	Long.
Bradley.	McGill.
Bryant.	McGregor.
Carpenter.	Magee.
Claunch.	Martin.
Coombes.	Mehl.
Cox of Limestone.	O'Quinn.
Cunningham.	Ramsey.
Davis.	Ratliff.
Dowell.	Ray.
Dwyer.	Reader.
Elliott.	Shelton.
Farmer.	Smith of Wood.
Farrar.	Sparkman.
Ferguson.	Stevenson.
Goodman.	Tarwater.
Harman.	Towery.
Harrison	Turner.
of El Paso.	Van Zandt.
Hatchitt.	Warwick.
Hefley.	Wyatt.

Nays—60.

Akin.	Duvall.
Barron.	Engelhard.
Brice.	Finn.
Burns of Walker.	Fisher.
Burns	Forbes.
of McCulloch.	Graves.
Caven.	Greathouse.
Coltrin.	Grogan.
Cox of Lamar.	Hanson.
Daniel.	Hardy.
Dodd.	

Harrison	Patterson.
of Waller.	Petsch.
Herzik.	Pope.
Holder.	Richardson.
Holland.	Rogers.
Holloway.	Sanders.
Hoskins.	Satterwhite.
Howsley.	Savage.
Hughes.	Sherrill.
Johnson	Smith of Bastrop.
of Dimmit.	Stephens.
Laird.	Steward.
Leonard.	Strong.
Lilley.	Terrell
Lockhart.	of Cherokee.
McDougald.	Wagstaff.
Metcalfe.	Walker.
Moore.	Weinert.
Morse.	West of Coryell.
Munson.	West of Cameron.
Murphy.	Young.
Olsen.	

Present—Not Voting.

Lemens.

Absent.

Adams of Harris.	Lasseter.
Baker.	Lee.
Beck.	McCombs.
Brooks.	Mathis.
DeWolfe.	Moffett.
Donnell.	Nicholson.
Dunlap.	Rountree.
Ford.	Scott.
Fuchs.	Sullivant.
Gilbert.	Terrell
Giles.	of Val Verde.
Johnson	Vaughan.
of Dallam.	Veatch.
Johnson of Morris.	Westbrook.
Kayton.	Wiggs.

Absent—Excused.

Dale.

Paired.

Mr. Lemens (present), who would vote "nay," with Mr. Sullivant (absent), who would vote "yea."

Question then recurring on the motion to postpone further consideration of the resolution indefinitely, yeas and nays were demanded.

The motion to postpone indefinitely was lost by the following vote:

Yeas—58.

Adams of Jasper.	Bryant.
Adamson.	Carpenter.
Adkins.	Coombes.
Albritton.	Cox of Limestone.
Anderson.	Cunningham.
Bedford.	Davis.
Bond.	Dowell.
Bounds.	Dunlap.
Boyd.	Dwyer.

Elliott.	McGregor.
Farmer.	Martin.
Ferguson.	Mehl.
Goodman.	Metcalfe.
Hatchitt.	Murphy.
Harrison	O'Quinn.
of El Paso.	Ramsey.
Hefley.	Ratliff.
Hill.	Ray.
Hines.	Reader.
Hubbard.	Richardson.
Jackson.	Shelton.
Jones of Atascosa.	Smith of Wood.
Jones of Shelby.	Sparkman.
Justiss.	Tarwater.
Kayton.	Turner.
Keller.	Van Zandt.
Kennedy.	Walker.
Long.	Warwick.
Magee.	Wyatt.
McGill.	

Nays—62.

Akin.	Howsley.
Alsup.	Hughes.
Barron.	Johnson
Bradley.	of Dimmit.
Brice.	Laird.
Brooks.	Leonard.
Burns of Walker.	Lilley.
Burns	Lockhart.
of McCulloch.	McDougald.
Caven.	Moore.
Claunch.	Morse.
Coltrin.	Munson.
Cox of Lamar.	Olsen.
Daniel.	Patterson.
Dodd.	Petsch.
Duvall.	Pope.
Engelhard.	Rogers.
Finn.	Sanders.
Fisher.	Satterwhite.
Forbes.	Savage.
Graves.	Sherrill.
Greathouse.	Smith of Bastrop.
Grogan.	Stephens.
Hanson.	Steward.
Hardy.	Strong.
Harman.	Terrell
Harrison	of Cherokee.
of Waller.	Towery.
Herzik.	Wagstaff.
Holder.	Weinert.
Holland.	West of Coryell.
Holloway.	West of Cameron.
Hoskins.	Young.

Present—Not Voting.

Lemens.

Absent.

Adams of Harris.	Fuchs.
Baker.	Gilbert.
Beck.	Giles.
DeWolfe.	Johnson of Dallam.
Donnell.	Johnson of Morris.
Farrar.	Lasseter.
Ford.	Lee.

McCombs.	Sullivant.
Mathis.	Terrell
Moffett.	of Val Verde.
Nicholson.	Vaughan.
Rountree.	Veatch.
Scott.	Westbrook.
Stevenson.	Wiggs.

Absent—Excused.

Dale.

Paired.

Mr. Lemens (present), who would vote "nay," with Mr. Sullivant (absent), who would vote "yea."

Question then recurring on the resolution, it was adopted by the following vote:

Yeas—63.

Akin.	Johnson
Alsop.	of Dimmit.
Barron.	Laird.
Bedford.	Leonard.
Bradley.	Lilley.
Brice.	Lockhart.
Burns of Walker.	McDougald.
Caven.	Moore.
Coltrin.	Morse.
Cox of Lamar.	Munson.
Cox of Limestone.	Olsen.
Daniel.	Patterson.
Dodd.	Petsch.
Duvall.	Pope.
Finn.	Richardson.
Fisher.	Rogers.
Forbes.	Rountree.
Graves.	Sanders.
Greathouse.	Satterwhite.
Grogan.	Savage.
Hanson.	Shelton.
Hardy.	Sherrill.
Harrison	Smith of Bastrop.
of Waller.	Stephens.
Herzik.	Steward.
Holder.	Strong.
Holland.	Tarwater.
Holloway.	Terrell
Hoskins.	of Cherokee.
Howsley.	Wagstaff.
Hughes.	Weinert.
Johnson	West of Coryell.
of Dallam.	West of Cameron.
	Young.

Nays—55.

Adams of Jasper.	Bryant.
Adamson.	Carpenter.
Adkins.	Claunch.
Albritton.	Coombes.
Anderson.	Cunningham.
Bond.	Davis.
Bounds.	Dowell.
Boyd.	Dwyer.
Brooks.	Elliott.

Engelhard.	McGregor.
Farmer.	Magee.
Ferguson.	Martin.
Goodman.	Mehl.
Harrison	Metcalfe.
of El Paso.	Murphy.
Hatchitt.	O'Quinn.
Hefley.	Ramsey.
Hill.	Ratliff.
Hines.	Ray.
Hubbard.	Reader.
Jackson.	Smith of Wood.
Jones of Shelby.	Sparkman.
Jones of Atascosa.	Towery.
Justiss.	Turner.
Keller.	Van Zandt.
Kennedy.	Walker.
Long.	Warwick.
McGill.	Wyatt.

Present—Not Voting.

Lemens.

Absent.

Adams of Harris.	Lasseter.
Baker.	Lee.
Beck.	McCombs.
Burns	Mathis.
of McCulloch.	Moffett.
DeWolfe.	Nicholson.
Donnell.	Scott.
Dunlap.	Stevenson.
Farrar.	Sullivant.
Ford.	Terrell
Fuchs.	of Val Verde.
Gilbert.	Vaughan.
Giles.	Veatch.
Harman.	Westbrook.
Johnson of Morris.	Wiggs.
Kayton.	

Absent—Excused.

Dale.

Paired.

Mr. Lemens (present), who would vote "yea," with Mr. Sullivant (absent), who would vote "nay."

Mr. Holder moved to reconsider the vote by which the resolution was adopted, and to table the motion to reconsider.

Question recurring on the motion to table, yeas and nays were demanded.

The motion to table prevailed by the following vote:

Yeas—66.

Akin.	Claunch.
Alsop.	Coltrin.
Albritton.	Cox of Lamar.
Bedford.	Cox of Limestone.
Bradley.	Daniel.
Brice.	Dodd.
Burns of Walker.	Dowell.
Caven.	Duvall.

Finn.	Moore.	Keller.	Sherrill.
Fisher.	Morse.	Lasseter.	Sullivant.
Forbes.	Munson.	Lee.	Terrell
Greathouse.	Murphy.	McCombs.	of Val Verde.
Grogan.	Olsen.	Mathis.	Vaughan.
Hardy.	Patterson.	Moffett.	Veatch.
Harman.	Petsch.	Nicholson.	Westbrook.
Harrison	Pope.	Richardson.	Wiggs.
of Waller.	Rogers.	Scott.	
Hatchitt.	Rountree.		Absent—Excused.
Herzik.	Sanders.		
Holder.	Savage.		
Holland.	Shelton.		
Holloway.	Smith of Bastrop.		
Hoskins.	Stephens.		
Howsley.	Stevenson.		
Hughes.	Steward.		
Johnson	Strong.		
of Dallam.	Terrell		
Johnson	of Cherokee.		
of Dimmit.	Towery.		
Laird.	Turner.		
Lemens.	Wagstaff.		
Leonard.	Weinert.		
Lilley.	West of Coryell.		
Lockhart.	West of Cameron.		
McDougald.	Young.		

Nays—49.


Adams of Jasper.	Jackson.
Adkins.	Jones of Atascosa.
Anderson.	Jones of Shelby.
Barron.	Justiss.
Bond.	Kennedy.
Bounds.	Long.
Boyd.	McGill.
Bryant.	McGregor.
Carpenter.	Magee.
Coombes.	Martin.
Cunningham.	Mehl.
Davis.	Metcalfe.
Dwyer.	O'Quinn.
Elliott.	Ramsey.
Engelhard.	Ratliff.
Farmer.	Ray.
Ferguson.	Reader.
Goodman.	Satterwhite.
Graves.	Smith of Wood.
Hanson.	Sparkman.
Harrison	Tarwater.
of El Paso.	Van Zandt.
Hefley.	Walker.
Hill.	Warwick.
Hubbard.	Wyatt.

Absent.

Adams of Harris.	Dunlap.
Adamson.	Farrar.
Baker.	Ford.
Beck.	Fuchs.
Brooks.	Gilbert.
Burns	Giles.
of McCulloch.	Hines.
DeWolfe.	Johnson of Morris.
Donnell.	Kayten.

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VON BOECKMANN-JONES CO.,
PRINTERS AND BOOKBINDERS,
AUSTIN, TEXAS.

REPORT OF INVESTIGATION
CONDUCTED BY COMMITTEE
ON EDUCATION.

The following report was ordered printed in the Journal:

Report of investigation conducted by Committee on Education, authorized in House resolution adopted on January 24, 1931:

The Committee on Education, pursuant to instructions contained in simple resolution adopted on or about January 24, 1931, sat a number of times as a committee of investigation. They summoned a number of witnesses, including the State Superintendent of Public Instruction, to come before them and testify. A large part of this testimony is preserved in the transcript, which is being attached to this report.

There were two phases of the investigation. The first of these was to determine the instructional value of certain material adopted by the State Superintendent as requirement for State aid in certain schools in this State. The particular material under investigation was the purchase of the

Hope of the Nation Series of Charts. The other line of investigation was to make certain inquiry to determine the type of legislation that should be recommended for passage to remedy any defects that might be found in the educational system.

In investigating the Hope of the Nation Series of Charts, the committee took much testimony and the record will show that the State Superintendent and his department defended the wisdom of adopting those charts, and the sellers of the charts also defended their value as instructional material. The other testimony controverted this point of view, but it was found that the particular complaint by those not connected with the Department of Education was that the price paid for the charts was entirely too high and testimony will be found to support both sides of this controversy. As a matter of fact, the committee is no doubt divided on the question as to whether or not the price to be paid for the charts was too high.

The practical result of this part of the investigation was the passage of the new Rural Aid Law placing the selections and prescribing all material for use of State Aid Schools in the hands of the State Board of Education.

Another practical result was the cancellation of a number of sales and returning of merchandise which from the compilation of data shows that a saving of between \$25,000 and \$35,000 resulted from this investigation in the nature of the purchase of these charts.

The committee is now convinced that the State Superintendent or anyone connected with the Department of Education was not guilty of any moral turpitude or misconduct in the adoption of the charts. It is the opinion of those members of the committee who think the price of the charts exorbitant and too high, that a mistake was made by the Department of Education and it was the mistake of judgment. But there is a division of the opinion of the committee on this question and the opinion would naturally rest with the House in the same manner.

The Attorney General advised the committee that the committee could not impair validity of contracts entered into. The committee consequently did not see fit to recommend

cancellation of sale contracts that had been made in good faith and in pursuance to the orders of the Superintendent.

Furthering the same line of inquiry, the committee went into the matter of commissions having been paid to teachers and other school officials. The committee found that this practice had grown up to a certain extent, but it finds that the publicity given in this investigation has remedied this matter until such time as ample legislation can be passed forbidding the practice, and the committee recommends that such legislation be enacted at the earliest practical date.

Another practical phase of the investigation was obtaining views and opinions from superintendents of independent school districts and county superintendents. The compilation of this investigation has involved quite a lot of clerical labor. This clerical labor has been copied and this data has been compiled in a synoptic form and the copy is being attached to this report. This data compiled from school officials in Texas suggested a considerable amount of school legislation which will no doubt be in the legislative program of succeeding Legislatures and particularly of the next regular session.

A large volume of other matter was turned over to the committee dealing with textbooks, expenditure of school funds, and matters of that kind, but on account of the time involved and on account of the nature of the Committee on Education, by reason of its position which should be a co-operative committee assisting the Department of Education, this data is being turned over to the general investigating committee constituted under the concurrent resolution for the investigating of all State Departments.

The Committee on Education has been somewhat unfortunately situated in the method of taking testimony. The hearings show that the committee has always been concerned with its duty to promote the cause of education in Texas, and that attitude has handicapped them perhaps as an investigating committee, because there are times when the investigating committee might well be ruthless and might well pursue lines of inquiry that would be embarrassing to a committee conducted like the Committee

on Education. The Committee on Education has shown itself very fair with the Department of Education and has shown no hesitancy in calling attention to unfortunate practices that have grown up in the State.

The recommendation of this committee is that the Textbook Division of the State Department of Education be carefully audited, and that the expenditures and schools funds of various counties be looked into.

We further recommend that the data in this investigation be studied by future Committees on Education, and that legislation be written and placed on the statute books more clearly safeguarding the expenditures of school funds and more clearly defining as a criminal offense the giving or taking of commissions by school officials of whatever character.

Respectfully submitted,

HOLDER,
ADKINS,
WEST,
COX of Lamar,
COX of Limestone,
ALSUP,
HILL,
STRONG,
AKIN,
SMITH,
JOHNSON of Dallam,
ROUNTREE,
HUGHES.